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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/635,658	08/05/2003	Michael Sittinger	384466-605021	8875	
34026 75	90 · 11/17/2006	EXAMINER			
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555 SOUTH FLOWER STREET FIFTIETH FLOOR LOS ANGELES, CA 90071			ART UNIT	PAPER NUMBER	
			3733	, <u> </u>	
			DATE MAILED: 11/17/2000	DATE MAILED: 11/17/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Total Content Total			Application No.	Applicant(s)
Pedro Philogene 3733 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. If NO period for reply is specified above, the maximum standary periods will apply and will sopie SIX (8) MONTHS from the mailing date of this communication. Faster to reply within the set or central standary periods will apply and will sopie SIX (8) MONTHS from the mailing date of this communication. Faster to reply within the set or central standary periods will apply and will expire SIX (8) MONTHS from the mailing date of this communication. Faster to reply within the set or central standary periods will apply and will expire SIX (8) MONTHS from the mailing date of this communication. Faster to reply within the set or central standary periods will apply and will expire SIX (8) MONTHS from the mailing date of this communication. Faster to reply within the set or central standary periods will apply and will expire six (9) SIX (1) 1330 MINING from the mailing date of this communication. Status Status Status Status Status A Polication is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 27-55 is/are pending in the application. 4) Of the above claim(s) is/are allowed. 6) Claim(s) 27-55 is/are allowed. 6) Claim(s) 27-55 is/are allowed. 7) Claim(s) 27-55 is/are allowed. 8) This action is objected to by the Examiner. 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objecte	Office Action Summary		10/635,658	SITTINGER ET AL.
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A SHORTENDE STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. **after SIX (6) MONTHS from the mailing date of this communication. **IR Depends for reply is specified above, the maximus and subtry period will apply and will explicit stor the problem of the communication. **Failure to reply within the set or extended period for raply will, by statute, cause the application to become ABANDONED (35 U S. C 1 130). **Failure to reply within the set or extended period for raply will, by statute, cause the application to become ABANDONED (35 U S. C 1 130). **Failure to reply within the set or extended period for raply will, by statute, cause the application to become ABANDONED (35 U S. C 1 130). **Failure to reply within the set or extended period for raply will, by statute, cause the application to become ABANDONED (35 U S. C 1 130). **Failure to reply within the set or extended period for raply will, by statute, cause the application to become ABANDONED (35 U S. C 1 130). **Failure to reply within the set or extended period for raply will, by statute, cause the application to become ABANDONED (35 U S. C 1 130). **Failure to replication is FINAL. **DEPLICATION TO THE ABOVE (25 U S. C 1 130). **This action is FINAL. **DEPLICATION TO THE ABOVE (25 U S. C 1 130). **Disposition of Claims **Application of Claims **Application of Claims** **Application Papers **OCIAIM(S)			Pedro Philogene	3733
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Art Unit: 3733

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 27-34, 50-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is not clear whether applicant is claiming a method of manufacturing a substrate or a substrate, since there is no method step in the claim. Applicant is only claiming a substrate. If however applicant wants to claim a method of manufacturing, applicant must provide the method steps.

Claim 50 is indefinite for depending on method claim, since claim 50 is an apparatus claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 35-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Vyakarnam et al (6,333,029).

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With respect to claim 35, Vyakarnam et al discloses a method of producing implantable substrate for the healing and/or protection of connective tissue, the method comprising bringing a structure and one or more biologically active factors into contact wherein the at least one structure comprises one or more constituent selected from the group consisting wool; a cotton wool-like material; asset forth in column 14, lines 47-52; fibers comprising ceramic material; asset forth in column 6, lines 27-30; and the one or more biologically active factor; as set forth in column 6, lines 46-54, column 9, lines 1-5.

With respect to claims 36-55, the method steps, as set forth would have been inherently carried out in the production of the substrate, as set forth above; and as set forth in column 4, lines 30-35, column 5, lines 44-48, column 6, lines 27-29, lines 46-53, column 8, lines 55-61, column 14, lines 47-55, column 15, lines 30-40, column 17, lines 25-53; and as best seen in the FIGS.

Response to Amendment

Applicant's arguments with respect to claims 27-55 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

A shortened statutory period for reply to this action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro Philogene whose telephone number is (571) 272-4716. The examiner can normally be reached on Monday to Friday 6:30 AM to 4:00 PM.

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273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on (571) 272 - 4719. The fax phone number for the organization where this application or proceeding is assigned is 571-

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pedro Philogene November 9, 2006

> PEDRO PHILOSENE PRIMARY EXAMINED